

EXHIBIT 15

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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STAR AUTO SALES OF : Civil Action No.:
BAYSIDE, INC. (d/b/a : 1:18-cv-05775-ERK-CLP
STAR TOYOTA OF :
BAYSIDE), STAR AUTO :
SALES OF QUEENS, :
LLC (d/b/a STAR :
SUBARU), STAR HYUNDAI :
LLC (d/b/a STAR :
HYUNDAI), STAR NISSAN, :
INC. (d/b/a STAR :
NISSAN), METRO :
CHRYSLER PLYMOUTH :
INC. (d/b/a STAR :
CHRYSLER JEEP DODGE), :
STAR AUTO SALES OF :
QUEENS COUNTY LLC :
(d/b/a STAR FIAT) and :
STAR AUTO SALES OF :
QUEENS VILLAGE LLC :
(d/b/a STAR :
MITSUBISHI), :

Plaintiffs,

vs.

VOYNOW, BAYARD, WHYTE :
AND COMPANY, LLP, HUGH :
WHYTE, RANDALL FRANZEN :
AND ROBERT SEIBEL, :

Defendants.

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THURSDAY, FEBRUARY 2, 2023

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(Caption continued on page 2.)

Job No. CS5681791

1 UNITED STATES DISTRICT COURT
2 EASTER DISTRICT OF NEW YORK
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THURSDAY, FEBRUARY 2, 2023

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8 Oral Deposition of JACQUELINE CUTILLO, as
9 corporate designee for Star Auto Sales of Bayside, Inc.,
10 d/b/a Star Toyota of Bayside taken at Marshall Dennehey,
11 2000 Market Street, Suite 2300, Philadelphia,
12 Pennsylvania, commencing at 10:39 a.m., before Lauren
13 Sweeney, a Court Reporter and Notary Public.
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1 A P P E A R A N C E S:

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14
15 ALSO PRESENT:

16 RANDALL FRANZEN
17 JEREMY KOUFAKIS
18 MICHAEL KOUFAKIS, VIA TELEPHONE
19 STEVE RAMBAM, VIA TELEPHONE
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I N D E X

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TESTIMONY OF: JACQUELINE CUTILLO PAGE

By MS. FITZGERALD. 6

- - -

EXHIBITS

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DEPOSITION SUPPORT INDEX

DIRECTIONS TO WITNESS NOT TO ANSWER

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REQUEST FOR PRODUCTION OF DOCUMENTS

Page	Line	Description
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(None)		
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STIPULATIONS

Page	Line
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(None)	
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QUESTIONS MARKED

Page	Line
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(None)	
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JACQUELINE CUTILLO

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(Exhibit Toyota-1 was premarked
for identification purposes.)

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JACQUELINE CUTILLO, after
having been first duly sworn, was
examined and testified as follows:

- - -

BY MS. FITZGERALD:

Q. Okay. Good morning, Jackie. For the record,
we've just completed the deposition of the corporation
Star Nissan with you as the designee. You are appearing
in that same capacity on behalf of the Plaintiff, Star
Auto Sales of Bayside, Inc., d/b/a Star Toyota of
Bayside, correct?

A. Correct.

Q. Okay. Do you recall all the instructions that I
gave you at the start of the prior deposition for Nissan?

A. Yes.

Q. Okay. And do you understand those same
instructions apply for this deposition?

A. That makes sense.

Q. Okay. And when I refer to the company or the
corporation or Toyota, I am doing so with regard to the
Plaintiff Star Auto Sales of Bayside, Inc., d/b/a Star

JACQUELINE CUTILLO

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1 A. No. Vice versa.

2 Q. Okay. So it's entered into the Reynolds system
3 first, and then the deposit ticket is prepared.

4 A. Right, which is why your Reynolds information is
5 supposed to match your deposit slip.

6 Q. Okay. Does it matter which is done first?

7 A. Yes.

8 Q. On what basis does the company contend that
9 Voynow is liable for the \$463,000 alleged to be part of
10 this scheme?

11 MR. LABUDA: Objection, but you can
12 answer.

13 THE WITNESS: I'd like to defer that to
14 the expert.

15 BY MS. FITZGERALD:

16 Q. Understood, but here you are the designee on
17 behalf of the corporation who has asserted claims against
18 Voynow with regard to this scheme, so in that capacity,
19 what is your understanding as to the basis that the
20 company contends Voynow is liable?

21 MR. LABUDA: Same objection, but you can
22 answer.

23 THE WITNESS: It's my opinion that Voynow
24 should have off the top of my head been able to
25 identify this based off of reviewing the

JACQUELINE CUTILLO

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1 schedules for incentives, reviewing the schedules
2 for commissions. In review of all those
3 schedules they would have been able to identify
4 that checks were being distributed off the recap
5 page.

6 BY MS. FITZGERALD:

7 Q. So it's the company's contention that the
8 schedules that were reviewed included a recap page?

9 A. Absolutely, along with the fact that I then told
10 Randy about the Toyota side, that I had given the
11 question in regards to the Toyota side that's these
12 entries made no sense to me previously.

13 Q. And going back to that, when you questioned
14 Randy, where did this conversation take place?

15 A. In the office.

16 Q. Where in the office?

17 A. At my desk.

18 Q. Okay. And was anybody else present?

19 A. Randy.

20 Q. Other than you and Randy?

21 A. No. I turned to him, and I said I have a
22 question in regards to this entry, I am not the one
23 putting this entry on here, and I don't understand why
24 it's here. And he looked at it and he said, don't worry
25 about that, it's Vivian, it's okay, and walked away.